

REMARKS:

In the outstanding Office Action, the Examiner rejected claims 1-21. Claims 1, 13, 16-21 are amended for clarification and new claim 22 has been added. Thus, claims 1-22 remain pending for which reconsideration is requested. No new matter has been added. The Examiner's rejections are traversed below.

REJECTION UNDER 35 U.S.C. § 112¶2:

Claims 17 and 18 were rejected under 35 U.S.C. § 112¶2. Claims 17 and 18 are amended herein to comply with the requirements of 35 U.S.C. § 112¶2.

Therefore, withdrawal of the rejection is respectfully requested.

REJECTION UNDER 35 U.S.C. § 102(b):

Claims 19-21 are being rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,717,741 (Yue).

Yue delivers each telephonic message of a subscriber to a single assigned personal number and then sequentially sends each telephonic message to each listed destination stored in association with the subscriber until accepted or until a last destination is reached (see, col. 6, lines 36-46). Yue provides an override capability to the subscriber that allows all messages to be directed to a particular destination upon entry of a code by the subscriber (see, col. 7, lines 39-51 and col. 11, lines 1-11). For example, a subscriber enters a code to route all messages to a telephone number from which the subscriber called or to a particular telephone number entered by the subscriber. That is, Yue is limited to routing messages to a particular destination that is designated by a subscriber or to a fixed list of destinations.

The present invention includes delivering a message to different delivery devices based on dynamically changing priority tables. Independent claims 19 and 21 as amended recite that the present invention includes, "allowing priority tables of the delivery devices to be dynamically changed" and "changing the priorities of the delivery devices responsive to prior deliveries between cycles", respectively. For example, the present invention sends a new message to a mobile phone of a recipient when a previous message was successfully delivered to the recipient using the mobile phone. This enables the present invention to customize a destination of a message by allowing priorities of the delivery devices to be adaptively changed. This is unlike Yue that simply redirects all messages to a particular destination based on designation of

the particular destination by a subscriber.

Independent claim 20 also recites that the present invention includes, "adaptively cycling through delivery attempts to the delivery devices based on reachability of the message to the recipient until the message is delivered in accordance with priorities of the priority table". That is, the present invention adaptively cycles through the delivery devices based on reachability of the message when the message is sent via the delivery devices. Conversely, Yue sequentially attempts each of the listed destinations until the message is accepted or sends the message to a particular destination designated by a subscriber (see, col. 6, lines 47-65 and col. 7, lines 39-51).

Therefore, withdrawal of the rejection is respectfully requested.

REJECTION UNDER 35 U.S.C. §103(a):

Claims 1-18 are rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of Yue and U.S. Patent No. 6,147,977 (Thro).

The Examiner acknowledges that Yue does not disclose allowing a sender to create a priority table, but relies on Thro as teaching the same. However, the Thro table (80) is directed to priorities for processing messages based on priorities assigned to the messages (see, col. 5, line 55-67 and col. 7, lines 1-7). For example, Thro assigns messages containing a subject of golf a level 5 priority and routes the messages to a user's cellular telephone. That is, the Thro table is limited to delivering messages to different destinations based on priorities assigned to the messages and not priorities assigned with respect to a recipient or destination devices.

Independent claims 1, 13 and 16 recite that the present invention selects a delivery mechanism for a message in accordance with "a priority table of delivery devices" that is created "based on reachability of the message to a recipient of the message using each of the delivery devices" ("reachability of the message to the recipient when the message is sent via each of the delivery devices" in claim 13). This enables selection of a delivery mechanism for a message based on reachability of the message when the message is sent via a delivery device.

The combination of Yue and Thro does not teach or suggest a delivery mechanism for a message "based on reachability of the message to a recipient using each of the delivery devices".

It is submitted that the independent claims are patentable over the combination of Yue and Thro.

For at least the above-mentioned reasons, claims depending from independent claims 13 and 16 are patentably distinguishable over the combination of Yue and Thro. The dependent claims are also independently patentable. For example, as recited in claim 8, "the priority table is configured in a way that a first delivery device selected to send a current message is the same device used to deliver a previous message to the recipient, and the previous message was delivered within a predetermined amount of time before the current message is sent". The combination of Yue and Thro method does not teach or suggest a priority table configured such that "a first delivery device selected to send a current message is the same device used to deliver a previous message to the recipient, and the previous message was delivered within a predetermined amount of time before the current message is sent", as recited in dependent claim 8.

Therefore, withdrawal of the rejection is respectfully requested.

NEW CLAIM:

New claim 22 has been added to recite that the present invention includes, "allowing a sender of a message to prioritize multiple delivery destinations associated with a recipient" and "sending the message to at least one of the multiple delivery destinations in accordance with the prioritization by the sender", where "the prioritization is adaptively changed based on message delivery conditions including a message delivery success corresponding to the multiple delivery destinations".

The cited references, alone or in combination, do not teach or suggest a message delivery method where "the prioritization is adaptively changed based on message delivery conditions including a message delivery success corresponding to the multiple delivery destinations".

Therefore, it is respectfully submitted that new claim 22 is patentably distinguishable over the cited references.

CONCLUSION:

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

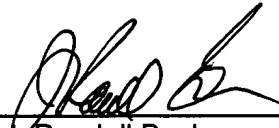
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If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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